



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Telephone: (248) 758-3133  
Fax: (248) 758-3292

Dated: August 12, 2013

ORDER NO. S-314

RE: **Adopt ordinance to regulate pawnbrokers, secondhand dealers, and junk dealers.**

TO: Sherikia Hawkins, City Clerk  
Charles Smith, Project Manager, Wade Trim  
Timothy Atkins, Commander, Oakland County Sheriff Pontiac Substation

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that "[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances...."

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on August 1, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Oakland Press on August 9, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on August 12, 2013 announced that he is adopting the proposed ordinance.

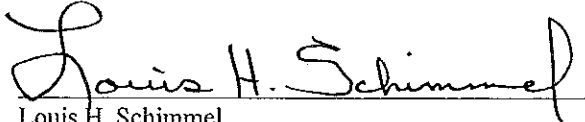
It is hereby ordered:

1. That the attached Ordinance No. 2307, an ordinance to regulate pawnbrokers, secondhand dealers, and junk dealers, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink that reads "Louis H. Schimmel". The signature is written in a cursive style with a horizontal line underneath the name.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

## Ordinance No. 2307

### An ordinance to regulate pawnbrokers, secondhand dealers, and junk dealers.

The City of Pontiac ordains:

#### **Section 1. Amendments.**

Sections 26-976 through 26-1001 of the Code of Ordinances shall be amended to read as follows:

#### **26-976. SHORT TITLE.**

This article shall be known and cited as the Pawnbroker, Secondhand Dealer, and Junk Dealer Ordinance of the City of Pontiac and will be referred to herein as this article.

#### **26-977. DEFINITIONS.**

As used in this article, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) Auto Salvage Dealer. Any junk dealer engaged substantially in the business of purchasing or receiving, wrecking or dismantling, and the sale or exchange of motor vehicles for the purpose of salvaging parts or materials therefrom.
- (b) Auto Salvage Yard or Shop. Any place where an auto salvage dealer purchases, receives, wrecks, dismantles, sells, or exchanges used motor vehicles, or parts, or materials salvaged therefrom.
- (c) Collector Vehicle. Any vehicle used for the collection, transportation, or handling of junk, or secondhand property, except not including a towing vehicle used to transport automobiles substantially used other than in transportation of motor vehicles as part of an auto salvage dealer business.
- (d) Employee. Means any person eighteen (18) years of age, or older, who renders any services in connection with the operation of a pawnbroker, secondhand dealer, or junk dealer business and who receives compensation from the business, or patrons thereof.
- (e) Good Moral Character. The propensity on the part of the person to serve the public in a licensed area in a fair, honest, and open manner.
- (f) Goods. Any item not specifically covered by other definitions contained in this section.

- (g) Junk. Any personal property which is, or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of "junk" terms shall include used, or salvaged rope, bags, paper, rags, glass, rubber, wood pellets, and similar articles of property and used motor vehicles, machinery, or parts thereof which are used, owned, or possessed for the purpose of wrecking or salvaging parts of materials there from. Metals available or used for as scrap, shall be considered as junk.
- (h) Junk Dealer. Any person whose substantial business is buying, exchanging, collecting, receiving, storing, accumulating, selling, or otherwise handling junk.
- (i) Junk Gatherer. Any person who buys, sells, receives, or picks up junk.
- (j) Junk Yard or Junk Shop. Any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells, or otherwise handles junk.
- (k) Owner or Operator. Any person who owns, or controls a pawnbroker, secondhand dealer, or junk dealer business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.
- (k) Patron. Means any person eighteen (18) years of age, or older, who does business in any form with a pawnbroker, secondhand dealer, or junk dealer business.
- (l) Pawnbroker. Means any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledge personal property, or other valuable thing, other than securities, or printed evidence of indebtedness, or who deals in the purchasing of personal property, or other valuable things on condition of selling the same back again as stipulated price.
- (m) Pawn Shop. Any place where a pawnbroker regularly conducts the business of being a pawnbroker.
- (n) Scrap Iron and Metal Processor or Recycler. Any junk dealer engaged substantially in the business of purchasing or receiving scrap iron and metal (except scrap motor vehicles not purchased from a licensed auto salvage dealer, or junk dealer) and the storing, processing, recycling, and sale or exchange thereof.
- (o) Scrap Yard. Any place where a scrap iron and metal processor, or recycler engages in the business or receiving, storing, processing or recycling scrap iron or metal.

- (p) Secondhand Dealer. Means any person, corporation, member of a co-partnership, or firm, or limited liability company whose principal business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. Primary business means more than 90% of revenues derived.
- (q) Secondhand Store. Any place at which a second dealer buys, exchanges, collects, receives, stores, or sells secondhand property. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. Primary business means more than 90% of revenues derived.
- (r) Certain Regulated Businesses Exclusion of Certain Provisions. Any owner, person, corporation, limited liability company, member of a co-partnership, or firm which is regulated pursuant to state law and which is required to maintain and report transactions pursuant to state law on the recommendation of the Police Chief shall be permitted to be exempt from Sections of this Ordinance requiring recording and registration of transactions.

#### **26-978. LICENSE REQUIRED.**

- (a) No person shall engage in the business of a pawnbroker as defined in Act No. 273 of the Public Acts of Michigan of 1917 (MCL 446.201 *et seq.*), as amended, in the city without first having complied with all applicable sections of such Act and the Code of Ordinances, and without obtaining a license from the city.
- (b) No person, directly or indirectly, himself or by his clerk, agent, or employee, shall engage in the business of junk dealer, junk gatherer, or dealer in secondhand goods within the corporate limits of the city without first having obtained a license from the city.

#### **Sec. 26-979. LICENSE APPLICATION.**

Any owner or operator desiring a pawnbroker or business license shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

- (a) Type of ownership of the business, i.e. whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.

- (b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.
- (c) A complete list of the names, residential addresses, birth dates, and driver license numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time.
- (d) The following personal information concerning the applicant and owners, if an individual; concerning each stockholder, officer, or director if a corporation; concerning each member, if a limited liability company; concerning the partners, including general and limited partners, if a partnership and concerning the manager or other person principally in charge of the operation of the business:
  - (1) Name, address and telephone number, date of birth and driver license number, if applicable;
  - (2) Two previous addresses prior to the present address of the applicant;
  - (3) Written proof showing date of birth;
  - (4) Height, weight, color of hair, eyes and gender;
  - (5) Two front faced portrait photographs taken within thirty (30) days of the date of application, at least 2 inches by 2 inches in size;
  - (6) A full accurate and complete business history detailing experience, including, but not limited, whether or not such person has previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;
  - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which such conviction occurred, the offense for which conviction, or such conviction and the circumstances thereof;
  - (8) Complete set of fingerprints taken and to be retained on file by the Oakland County Sheriff Substation Commander, or his authorized representative;
- (e) Authorization for the City, its agents and employees to seek information

and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

- (f) The names and addresses of three adult residents in the county who will serve as character references, who must be persons other than relatives and business associates.
- (g) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.
- (h) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City of Pontiac's computerized system, transaction information, or recording by electronic transmission pursuant to this Ordinance.
- (i) Any other information required by the Community Development Director.

**Sec. 26-980 INVESTIGATIONS AND INSPECTIONS.**

- (a) Upon receipt of an application for a pawnbroker, secondhand dealer, or junk dealer business license, the City shall refer application to the Oakland County Sheriff Substation Commander, or his designee who shall conduct an investigation into the applicant's moral character, personal and criminal history. A personal interview may be required and such further information, identification and physical examination of the person and proposed business premises and records of the applicant as shall bear on the investigation.
- (b) The Oakland County Sheriff Substation Commander or his designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of insuring that the premises comply with all requirements set forth in this Chapter and with Ordinances of the City relating to public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this Ordinance.
- (c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the county and any other governmental agencies as necessary to insure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the City. An application may be refused for submission for approval until a report form applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

- (d) Before issuance of any license, the Oakland County Sheriff Substation Commander, or his designee shall submit within forty-five (45) days of receipt of an application and report of investigations, inspections and a recommendation to the Community Development Director or his designee for approval or denial.

**Sec. 26-981 LICENSE ISSUANCE; CONDITIONS FOR DENIAL.**

The Community Development Director or his designee upon receipt of an application for a license required by this article, and reports and recommendations of the Oakland County Sheriff Substation Commander or his designee, shall direct that a license be issued within fourteen (14) days provided in addition electronic transmission is demonstrated to be capable unless it finds that:

- (a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.
- (b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health ordinances.
- (c) The applicant or any person having an ownership interest in any entity which is the applicant, or a manager, has been convicted of any crime involving moral turpitude, including but not limited to prostitution and pandering, gambling, extortion, fraud, criminal usury, controlled substances, weapons, assault, theft unless such conviction occurred at least fifteen (15) years prior to the date of application.
- (d) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.
- (e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in the ordinance, or any other state or local agency within the prior fifteen (15) years to the date of application.
- (f) The applicant or any owner is not eighteen (18) years of age or older.

If the Community Development Director or his designee, denies an application, he shall specify the grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

**Sec. 26-982. HEARINGS ON APPEALS**

- (a) Within twenty (20) days of the date of denial of an application, the applicant may request in the form of a written application to the Community



Development Director or his designee, a hearing before the Board of Appeals for reconsideration of the license application denial. Such hearings shall be conducted as follows:

- (1) The applicant and his attorney, may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.
  - (2) After reviewing the evidence, the Board of Appeals shall determine whether to uphold the denial, or grant the application.
  - (3) The applicant and his attorney, may present a statement and adequate evidence, demonstrating that:
    - (a) Exceptional or extraordinary circumstances, or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to any proposed business which warrant the issuance of the application notwithstanding conformity to the ordinance.
    - (b) That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.
- (b) In all cases where an appeal is granted, Board of Appeals shall find:
- (1) That the grant of the appeal will be in harmony with the general purpose and intent of this article; and
  - (2) That the grant of the appeal will not be detrimental or injurious to the neighborhood or the City at large.
  - (3) The Board of Appeals may impose reasonable conditions, if the license is approved for issuance.

**Sec. 26-983. INSPECTIONS OF BUSINESS PREMISES.**

- (a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.
- (b) Any licensee shall display the license in an open and conspicuous place on the

premises visible to the patrons of the premises.

- (c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Oakland County Sheriff Substation Commander, or his designee within seventy-two (72) hours after such change.

**Sec. 26-984. LICENSE FEES; EXPIRATIONS; TRANSFERS; FORM.**

- (a) Fees shall be established from time to time by resolution of the City Council.
- (b) License granted shall expire on June 30<sup>th</sup> of each year and shall require payment of a renewal fee for the ensuing year.
- (c) No license shall be deemed transferable, separable, or divisible.
- (d) Any person who has a junk shop or yard in the City, operates and maintains it in the City, pays for and obtains a junk dealer's license, and files the bond specified in this article, shall be entitled to operate one or more junk vehicles solely for the purpose of buying, collecting, and conveying junk to and from such shop or yard in the City without paying the license fee provided for junk collectors.
- (e) Licenses shall be in such form and posted in a building or affixed to a vehicle in the manner required by the Community Development Director.

**Sec. 26-985. PROCEDURES AND FORMS FOR FINGERPRINTING, STATEMENTS AND RECORDING OF TRANSACTIONS; INSPECTION OF RECORDS.**

- (a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Oakland County Sheriff Substation Commander. Every person licensed to conduct, maintain, or engage in a business of pawnbrokers, secondhand dealer, or junk dealer, shall maintain in a form provided by the Oakland County Sheriff Substation Commander, or his designee, records in the manner and form as provided herein, which shall be subject to inspection by the Oakland County Sheriff Substation Commander or his designee upon request.
- (b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. Reports must be electronically transmitted to the Oakland County Sheriff Substation Commander or his designee. Within forty-eight (48) forty-eight hours a report must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Oakland County Sheriff's computerized system, as approved by the Oakland County Sheriff Substation Commander, or his designee for identifying property coming into the possession of a licensor, including but not limited to all pawn property, all transactions in which used goods have been

received the preceding day by pawn, trade, purchase, or consignment and items received by junk dealers. A transaction report by electronic transmission under this sub section shall not be reported on paper forms, unless the Oakland County Sheriff Substation Commander, or his designee so requires. All secondhand dealers, junk dealers, and pawnbrokers must have the equipment installed in their place of business no later than October 1, 2013. Information must be reported electronically beginning October 1, 2013.

- (c) A fee as adopted and subject to change periodically by the City Council shall be assessed per transaction. The vendor will assess the property registration fee for each transaction, the licensee reports either through batch file upload, or directly using the vendor's business interface, or on the vendor's automated reported service that involves transactions subject to the provision of this article.
- (d) Transaction is defined as a single buy, or which may involve one or more items and does not include contract extensions, or claims. The per transaction registration fee is not a per item fee, included in the transaction. It is within the sole discretion of the secondhand dealer whether to recover the fee from their customers for registering a transaction.
- (e) The licensee will be invoiced on a monthly basis. The City's vendor automated reporting service isolates and generates a list of the billable transactions will be used for deriving invoiced amounts. The above fees are assessed for the use of the standard vendor's automated recording service. Any custom programming completed for the secondhand dealer will be negotiated on a contract basis and may result in additional licensing arrangements between the vendor and the licensor. Sales tax will be added to the above amounts where applicable. Failure to timely pay as invoiced is a violation of this Chapter.

#### **Section 26-986. RESTRICTIONS ON SALES.**

- a. No entity or person who is not a licensed pawnbroker, secondhand dealer, or junk dealer shall sell, offer for sale, advertise for sale, or represent any article, personal property, or other valuable thing for sale which is subject to the provisions of this ordinance unless the proper license is in effect. No pawnbroker, secondhand dealer, junk dealer, shall purchase, or receive in pawn, any item, or other articles, or keep for sale any such articles, or items unless a current effective license is in effect.
- b. No entity or person shall sell, offer for sale, advertise for sale, or represent an "out of pawn" article or personal thing as being "out of pawn" when such article or personal thing has not been pawned or pledged with such person as a licensed pawnbroker.
- c. No pawnbroker shall purchase any secondhand furniture, metals, clothing, or other articles or things to sell, dispose of, or keep for sale any such

secondhand articles or things, except when they have been pawned to him and are or have been sold at public auction to the highest bidder, in compliance with section 10 of Act No. 273 of the Public Acts of Michigan of 1917 (MCL 446.201 *et seq.*), as amended.

- d. Any article sold to a pawnbroker upon the understanding that such article is to be purchased from such pawnbroker by the seller thereof, or by any person acting for such seller, shall be deemed to be pawned within the meaning of this article.
- e. No licensee under this article shall make use of any street, sidewalk, or any other part of the highway, or any other property not in his possession or under his control, for the storage or display of junk or other secondhand goods.

**Section 26-987. SUNDAY OPERATION PROHIBITED.**

It is unlawful for any person licensed under the provisions of this ordinance as a pawnbroker, pursuant to state law to transact business, or to open, or keep open, the place or room where such business is conducted on any Sunday.

**Section 26-988. SALES PROHIBITED DURING CERTAIN HOURS.**

No licensee, employee, or agent of a licensee shall sell or purchase by sale, barter, exchange, or otherwise any item under a license issued pursuant to this article from or to any person, or entity between the hours of 9:00 p.m. and 9:00 a.m. of the following day. In addition, no person or entity shall sell or purchase by sale, barter, exchange, or otherwise any junk between the hours of 9:00 p.m. and 9:00 a.m. the following day.

**Section 26-989. PROHIBITED SALE OR POSSESSION OF ITEMS WITH SERIAL NUMBERS ALTERED, REMOVED.**

- (a) No licensee, or agent, or employee shall conceal or misrepresent the identity by removing, concealing, defacing, adding to, substituting, or altering, the serial number or manufacturer's number on any motor vehicle, motor, appliance, mechanical device, watch, clock, camera, precision instrument, outboard motor, radio, shotgun, or any other article or thing where the manufacturer has placed numbers for the purpose of identification; by altering or replacing any part of such article, or thing, bearing the serial or manufacturer's number with a new or replaced part upon which the proper serial number, or manufacturer's number has not been stamped or placed.
- (b) No person licensed under this article, or employee of such licensed person shall deal in, or possess, any item as described herein above from which the serial numbers have been removed, concealed, defaced, added, substituted, altered, or replaced.

- (c) In all prosecutions under this section, possession by any dealer, licensor, person, or entity of an item from which the serial numbers, or manufacturer's number, or identification number has been removed, concealed, defaced, added, substituted, altered, or replaced shall be prima facie evidence of violation of the provisions of this section.

**Section 26-990. MERCHANDISE DISPLAYS.**

No licensee under this article shall display merchandise or articles outside of the building, or fail to change a window display at least twice monthly.

**Section 26-991. POLICE ORDER TO HOLD PROPERTY.**

Whenever a law enforcement official from any agency notifies an auto salvage dealer, junk dealer, pawnbroker, secondhand dealer, or owner or employee of any of the foregoing, the item must not be sold, or removed from the premises. If the hold was conveyed verbally, the hold shall be confirmed by the investigating agency within seventy-two (72) hours either in writing, or by electronic transmission. The order to hold the item shall expire sixty (60) days from the date is placed, unless the holding agency seizes the item of evidence, or obtain other court order to hold the item, or determines that the hold is still necessary and notifies the business in writing, or by electronic transmission to continue to hold the item for an additional sixty (60) days. Each licensee and owner shall be jointly and severally liable for holding such property.

**Section 26-992. RETENTION OF ARTICLES FOR SPECIFIED PERIODS.**

- (a) Items, goods, articles and junk purchased or exchanged, shall be retained for not less than fifteen (15) days before disposal in an accessible place in the building where licensed activity occurs. A tag shall be attached to such item in some visible and conspicuous place with a number corresponding to the entry in the electronic record, or other record provided.
- (b) Any person engaged in the business of buying, exchanging, collecting, receiving, storing, or selling any used motor vehicles for the purpose of wrecking or salvaging parts there from, shall report each such transaction to the Oakland County Sheriff Substation Commander, or his designee within five (5) business days, excluding Saturday and Sunday, from the date of the transaction. The report shall contain a description of each such motor vehicle inquired, including vehicle identification number, hour and date when purchased, a description of the person, including a copy of photo identification from whom it was acquired and a photo of the vehicle. Such reports shall be on forms approved by the Oakland County Sheriff Substation Commander, or his designee and made under oath. Such vehicles shall not be disposed of, or altered in any manner for a period of five (5) days from the time the report is received by the City.

**Section 26-993. PROHIBITED PURCHASES.**

No licensee, owner, or employee shall receive any item, goods, or junk from any person who at the time is intoxicated, or appears to be under the influence of a controlled substance, or is known to be a thief, or receiver of stolen property, or from any person who is suspected not to be the owner of the property, or from any minor under the age of eighteen (18) years.

**Section 26-994. PREMISES, ENCLOSURES AND RESTRICTIONS.**

No Licensee shall maintain a junk yard, junk shop, auto salvage yard, or scrap metal yard, or any other business unless the business is carried on entirely inside a building, or unless the premise is conducted within an enclosed area, except for gates, or doors for ingress and egress by a suitable enclosure such as a fence, or wall as approved by City Pontiac.

**Section 26-995. PREMISES CONDITION.**

- (a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.
- (b) No items, goods, or junk shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two (2) feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.
- (c) All premises shall be maintained in a clean, sanitary and neat condition and no fire shall be permitted unless a permit from the Fire Marshal and any other regulatory agency has been obtained and is in full force.

**Section 26-996. STORAGE OF SCRAP TIRES.**

Scrap tires may only be stored after special land use approval by the Planning Commission under the standards for special land use approval and the zoning ordinance.

**Section 26-997. Bonds.**

- (a) A junk dealer and junk gatherer shall obtain surety bonds in the amount established from time to time by resolution of the City Council.
- (b) Prior to any pawnbroker license being issued, the applicant shall furnish a corporate security bond, best A Rated, or better and the penal sum of Ten Thousand (\$10,000.0) Dollars with sufficient sureties to be approved by the City

which bond shall be conditioned that the owner, operator shall during the time of the license comply with all the laws of the state of Michigan and City pursuant to this article and in regard to pawnbrokers, secondhand dealers, junk dealers, precious metal and gem dealers act of the state, as set forth, and the sale of secondhand watches act of the state as set forth, including any amendments to the foregoing state laws. Any person aggrieved by the action of the licensee shall have a right of action on the bond for recovery of money damages. Such bond shall remain in full force and effect for ninety (90) days after the expiration or cancellation of any license, or after the termination of any action upon such bond.

- (c) On the recommendation of the Oakland County Sheriff Substation Commander, an additional bond may be required in order to assure that the conditions at the site of the business are maintained from which the costs of any enforcement action shall be repaid to the City in the event of any enforcement action for compliance with this Chapter.

#### **Section 26-998. COMPLIANCE WITH STATE LAWS.**

Each licensee and employees must comply with the terms of state laws including but not limited to MCL 445.471 through 445.476 and any amendments thereto, the state act regulating pawnbrokers where applicable MCL 446.201 through 446.219 and any amendments thereto. Full compliance with the precious metal and gem dealer act as set forth in MCL 445.481 through 445.492 and any amendments thereto is required. Compliance with the sale of secondhand watches act MCL 445.551 through 445.555 and any amendments thereto is required.

#### **Section 26-999. COMPLIANCE WITH ZONING ORDINANCES.**

Every licensee and employee shall comply with all requirements for business location at which work, pursuant to any license issued under this article, occurs as provided in any applicable zoning ordinances of the City.

#### **Section 26-1000. PURCHASES FROM MINORS PROHIBITED.**

No licensee, dealer, employee, person or entity shall purchase or receive any item or property on the premises or otherwise off premises associated with the business conducted on the premises, from any person under the age of eighteen (18) years.

#### **Section 26-1001. PENALTY.**

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this article shall be guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than Five Hundred (\$500.00) Dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the Oakland County Sheriff's Office after notice of such proposed action at least seven (7) days beforehand. The licensee shall be permitted a hearing

before the Community Development Director within seven days of action by the Oakland County Sheriff's Office and a right of appeal as prescribed for denial of the issuance of a license.

**Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Saving Clause.**

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 4. Repealer**

Sections 26-1111 through 26-1119 shall be repealed and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**Section 5. Publication**

The Clerk shall publish this Ordinance in a newspaper of general circulation.

**Section 6. Effective Date**

This Ordinance shall be effective ten days after date of adoption.